

**2019 SENATE ENERGY AND NATURAL RESOURCES**

**SB 2038**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2038  
1/4/2019  
30414

- Subcommittee  
 Conference Committee

Committee Clerk: Marne Johnson

### Explanation or reason for introduction of bill/resolution:

A bill relating to energy conversion and transmission facility siting, gas and liquid energy conversion, and gas and liquid transmission facility siting.

### Minutes:

1 Attachment

Chair Jessica Unruh opened the public hearing, all members of the committee were present.

**Senator Larry Luick:** (0:50-3:50) Introduced the bill, please see attachment #1.

**Chair Unruh:** Is there any new language?

**Senator Luick:** There is no new language.

**Jean Schafer, Basin Electric** (4:40) Testified in favor. Basin Electric was a prime driver in last session's HB 1144, they just wanted to stand in favor of this housekeeping bill.

**Mr. Geoff Simon, Western Dakota Energy Association** (5:15) Testified in favor. The WDEA worked with the industry and Public Service Commission with the primary purpose of consolidating Pipeline Siting Process (PSP) with the county conditional use permit process so that they are the one and the same; this is a clean-up to make sure everything that happened last session moves forward.

No opposing testimony.

No agency testimony.

Public hearing is closed.

**Senator Cook:** I move do pass.

**Senator Schaible:** I second.

A roll call vote was taken.

6 in favor

0 opposed

0 absent

The motion passes

Senator Schaible will carry.

Meeting is adjourned.

Date: 1/4/18  
Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2038**

Senate Energy and Natural Resources Committee  
 Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Sen. Cook Seconded By Sen. Schaible

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	X		Senator Merrill Piepkorn	X	
V. Chair Curt Kreun	X		Senator Jim Roers	X	
Senator Dwight Cook	X				
Senator Donald Schaible	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Schaible

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2038: Energy and Natural Resources Committee (Sen. Unruh, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2038 was placed on the Eleventh order on the calendar.

**2019 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2038**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2038  
2/28/2019  
32975

- Subcommittee  
 Conference Committee

Committee Clerk, Kathleen Davis

### Explanation or reason for introduction of bill/resolution:

Relating to energy conversion and transmission facility siting, gas and liquid energy conversion, and gas and liquid transmission facility siting

### Minutes:

Attachment 1

**Chairman Porter:** opened the hearing on SB 2038.

**Christopher Joseph, Legislative Council:** presented information only and was not in support or opposition of the bill. This is a technical correction bill. Attachment 1.

**Chairman Porter:** Testimony in support? Opposition? Closed the hearing on SB 2038.

**Rep. Ruby:** Move a Do Pass.

**Rep. Eidson:** Second.

**Chairman Porter:** We have a motion and a second for a Do Pass on SB 2038. Discussion? Roll call vote. 13 yes 0 no 1 absent. Motion carried. Rep. Ruby is carrier.

Date: 2-28-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2038**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep Ruby                      Seconded By Rep Eidson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	AB		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Zubke	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Eidson	✓	

Total (Yes) 13                      No 0

Absent 1

Floor Assignment Rep Ruby

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2038: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
SB 2038 was placed on the Fourteenth order on the calendar.



**2019 TESTIMONY**

**SB 2038**

**SENATE BILL NO. 2038 (2019)  
JANUARY 4, 2019 AT 10:00 A.M.**

House Bill No. 1144 (2017) created a new chapter to Title 49 (created 49-22.1, pertaining to gas and liquid) which separates the combined siting requirements for electric energy conversion and transmission facilities from the siting requirements for gas or liquid energy conversion and transmission facilities. The bill also removed the requirement that a liquid or gas facility file a 10-year plan with the Public Service Commission. The bill repealed provisions referencing route adjustments for gas or liquid transmission lines within the chapter relating to electric energy conversion and transmission facilities.

Senate Bill No. 2286 (2017) required a gas or liquid transmission facility to be in compliance with the road use agreements of the impacted political subdivision prior to receiving a certificate of site compatibility or a route permit from the Public Service Commission. The bill required the commission to notify each specified political subdivision located in a proposed corridor of a public hearing and requires the political subdivision to provide the commission with a listing of all local land use, zoning, or building rules, regulations, and ordinances that apply to the proposed corridor. The bill provided any local regulations not filed at least 10 days before the hearing be deemed superseded and pre-empted.

If two bills are passed addressing the same section of North Dakota Century Code, it is the Code Revisor's duty to attempt to harmonize the two bills into the section. If the two bills cannot be harmonized, the Code Revisor must see whether one of the bills supercedes the other. Usually the bill passed last will prevail over any other conflicting bills. Senate Bill No. 2286 passed on April 3rd and House Bill No. 1144 passed on April 4th.

Some of the new items addressing gas or liquid transmission facilities landed in Section 49-22-16 when those items should have been incorporated in the newly created Chapter 49-22.1, which governs gas or liquid facility siting.

Senate Bill No. 2038 (2019) is a technical correction bill addressing the codification issues caused by the conflict between 2017 House Bill No. 1144 and Senate Bill No. 2286.

**No negative votes were cast** by the Natural Resources Committee.

**SENATE BILL NO. 2038 (2019)**  
**FEBRUARY 28, 2019 AT 09:00 A.M.**

House Bill No. 1144 (2017) created a new chapter to Title 49 (created 49-22.1, pertaining to gas and liquid) which separates the combined siting requirements for electric energy conversion and transmission facilities from the siting requirements for gas or liquid energy conversion and transmission facilities. The bill also removed the requirement that a liquid or gas facility file a 10-year plan with the Public Service Commission. The bill repealed provisions referencing route adjustments for gas or liquid transmission lines within the chapter relating to electric energy conversion and transmission facilities.

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**No negative votes were cast** by the Natural Resources Committee.